



UNITED STATES DEPARTMENT OF COMMERCE
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08/030,675

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087020,675	02/22/93	KELLER	KELL-20-889

FUNK,S

EXAMINER

ROSS, HOWISON, CLAPP, & KORN
740 E. CAMPBELL ROAD
SUITE 900
RICHARDSON, TX 75081

3307

ART UNIT

PAPER NUMBER

3

09/17/93
DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 1 month(s), 0 day(s) from the date of this letter.

Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-13 are pending in the application.
2. Claims _____ have been cancelled.
3. Claims _____ are allowed.
4. Claims _____ are rejected.
5. Claims _____ are objected to.
6. Claims 1-13 are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are: acceptable; not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. The proposed, additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).
12. Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

EXAMINER'S ACTION

Restriction to one of the following inventions is required under 35 U.S.C.

§ 121:

- I. Claims 1 - 5 and 7 - 13, drawn to a dampening apparatus and method of making, classified in Class 101, subclass 148.
- II. Claim 6, drawn to an oscillating roller, classified in Class 101, subclass 348.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination, respectively. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. (M.P.E.P. § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the oscillating roller could employ an internal oscillating mechanism. The subcombination has separate utility such as being used in an ink roller train.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

A telephone call was made to John W. Montgomery on 9/13/93 to request an

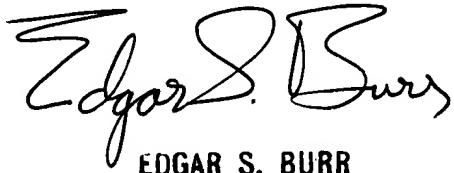
Serial No. 08/020,675
Art Unit 3307

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oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Any inquiry concerning this communication should be directed to Stephen Funk at telephone number (703) 308-0982.


EDGAR S. BURR
S.P.E.
GROUP ART UNIT 337

Stephen Funk



September 14, 1993